

**PRESENT:**

**Scott E. Thomas, Chairman, presiding**

**David M. Mason, Commissioner**

**Danny L. McDonald, Commissioner**

**Bradley A. Smith, Commissioner**

**Ellen L. Weintraub, Commissioner**

**James A. Pehrkon, Staff Director**

**Lawrence H. Norton, General Counsel**

**Mary W. Dove, Secretary**

**Chairman Scott E. Thomas called the Federal Election Commission to order in an open meeting at 10:10 A.M. on Thursday, April 21, 2005, with a quorum present.**

**I. CORRECTION AND APPROVAL OF MINUTES**

**Minutes for March 24, 2005  
Agenda Document No. 05-17**

**Chairman Thomas recognized Commissioner McDonald, who**

**MOVED to approve the minutes for the  
Open Meeting of Thursday, March 24,  
2005, as submitted in Agenda Document  
No. 05-17.**

**The motion carried on the vote of 5-0 with Commissioners  
Mason, McDonald, Smith, Thomas, and Weintraub voting affirmatively.**

**II. ADVISORY OPINIONS**

**A. Draft Advisory Opinion 2005-02  
Senator Jon Corzine and Corzine for Governor, Inc. by  
Counsel, Marc E. Elias and Brian G. Svoboda**

**Agenda Documents No. 05-19 and No. 05-19-A  
(Submitted late)**

**The Chairman recognized Commissioner Mason, who**

**MOVED to suspend the rules on the timely  
submission of agenda documents in order  
to consider Agenda Documents No. 05-19  
and No. 05-19-A.**

**II. ADVISORY OPINIONS (continued)**

**A. Draft Advisory Opinion 2005-02 (continued)**

**The motion carried on the vote of 5-0 with Commissioners Mason, McDonald, Smith, Thomas, and Weintraub voting affirmatively.**

**Chairman Thomas recognized Mr. Jonathan Levin of the General Counsel's Office who presented draft Advisory Opinion 2005-02 concerning the application of the Federal Election Campaign Act of 1971, as amended (the "Act"), and Commission regulations to fundraising activities by United States Senator Jon Corzine in connection with his current candidacy for Governor of New Jersey and also for the benefit of other non-Federal candidates and committees in New Jersey.**

**A discussion followed.**

**Chairman Thomas recognized Commissioner Weintraub, who**

**MOVED to approve draft Advisory Opinion 2005-02, as set forth in Agenda Document No. 05-19, amended as follows:**

**Page 9, Line 18, correct the cite "11 CFR 110.1 (c)(4)" to read "11 CFR 110.1 (c)( 5)";**

**II. ADVISORY OPINIONS (continued)**

**A. Draft Advisory Opinion 2005-02 (continued)**

**Page 12, Line 14, delete the words "non-Federal" and insert the words "proscribed by 2 USC § 441i(e)(1)(B) after the word "funds."**

**Further, to include the amendments set forth in Agenda Document No. 05-19-A, amended as follows: in the second line from the bottom, change the word "committee" to "committees."**

**The motion carried on the vote of 4-1 with Commissioners**

**McDonald, Smith, Thomas, and Weintraub voting affirmatively.**

**Commissioner Mason dissented.**

**B. Draft Advisory Opinion 2005-03  
American College of Obstetricians and Gynecologists by  
Counsel, Michael Kurman**

**Agenda Document No. 05-18**

**Chairman Thomas recognized Ms. Cheryl Hemsley of the General Counsel's Office who presented draft Advisory Opinion 2005-03 concerning application of the Federal Election Campaign Act of 1971, as amended (the Act"), and Commission regulations regarding whether the American College of Obstetricians and Gynecologists ("ACOG") and Ob-Gyns for Women's Health ("OGWH") are affiliated. And, if ACOG and**

**II. ADVISORY OPINIONS (continued)**

**B. Draft Advisory Opinion 2005-03 (continued)**

**OGWH are affiliated, whether OGWH or its separate segregated fund ("SSF"), Ob-Gyn PAC, may solicit ACOG's members for contributions to Ob-Gyn PAC; and if such solicitations are permissible, whether, specifically, ACOG's Fellows and Junior Fellows qualify as solicitable members of ACOG.**

**The Chairman recognized Commissioner Weintraub,  
who,**

**MOVED to approve draft Advisory Opinion  
2005-03, as contained in Agenda Document  
No. 05-18.**

**The motion carried on the vote of 5-0 with Commissioners Mason,  
McDonald, Smith, Thomas, and Weintraub voted affirmatively.**

**III. ROUTINE ADMINISTRATIVE MATTERS**

**There were no routine administrative matters to come before the Commission. The meeting adjourned at 11:00 A.M.**

**Signed:**

**Scott E. Thomas  
Chairman of the Commission**

**Attest:**

**Mary W. Dove  
Secretary of the Commission**